

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRELL BROWN
a/k/a Marcus Howard,

Petitioner,

v.

ROBERT WERLINGER, Warden,
Federal Correctional Institution - Oxford,

Respondent.

ORDER

13-cv-692-bbc

On February 26, 2014, I denied petitioner Terrell Brown's motion for post conviction relief under 28 U.S.C. § 2241. Now petitioner has filed a notice of appeal. Because petitioner has not paid the \$505 fee for filing an appeal, I construe his notice as a request for leave to proceed in forma pauperis on appeal. The request will be denied because I must certify that petitioner's appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3).

In the February 26 order, I found that petitioner is barred from filing a § 2241 motion in this court because he had filed a motion raising the same issues in a district court in the District of New Jersey; the court had denied the motion; the district court's ruling had been affirmed by the Court of Appeals for the Third Circuit; and petitioner did not seek a writ of certiorari from the United States Supreme Court. In light of this history, I cannot certify that petitioner's appeal is taken in good faith. Therefore, his request for leave to

proceed in forma pauperis on appeal will be denied.

If petitioner intends to challenge this court's certification that his appeal is not taken in good faith, he has 30 days from the date he receives this order in which to file with the court of appeals a motion for leave to proceed in forma pauperis on appeal. His motion must be accompanied by a copy of the affidavit prescribed in the first paragraph of Fed. R. App. P. 24(a) and a copy of this order.

ORDER

IT IS ORDERED that petitioner Terrell Brown's request for leave to proceed in forma pauperis on appeal is DENIED because his appeal is not taken in good faith.

Entered this 18th day of March, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge